



PATENT

ATTORNEY DOCKET NO.: BRP-56

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------------------------|---|-------------------------------|
| In re Application of: Kevin Cable |) | Examiner: Tarazano, Donald L. |
| S/N: 10/718,906 |) | Art Unit: 1773 |
| Filed: 11/21/2003 |) | Conf. No.: 1643 |
| Title: Improved Flavor Barrier |) | |

COMMUNICATION ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

Mail Stop Issue Fee
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant is, by way of the accompanying Information Disclosure Statement, making of record additional references provided on a related PCT application. These materials were received subsequent to the Notice of Allowance and are being submitted prior to payment of the Issue Fee. The required fee is also being submitted.

Applicant respectfully submits that the references are not pertinent to the claims as amended and prosecuted in the U.S. With respect to the Japanese reference, Applicant is submitting a copy of an English language abstract that was provided by the International Searching Authority. No other information is available, but the English language abstract and the figures are believed adequate to understand the nature of the cited publication.

Respectfully submitted,

J. BENNETT MULLINAX, LLC

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STATEMENT UNDER 37 CFR §1.97 ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

Mail Stop Issue Fee
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby certifies that:

37 CFR §1.97(b)

- The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR §1.97(c)

- The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b) provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
 - ☐ the statement specified in 37 CFR 1.97(e); OR
 - ☐ the fee set forth in 37 CFR 1.17(p).

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37 CFR §1.97 (d)

- X The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(d), and on or before payment of the issue fee, and is accompanied by the Statement as specified in 37 CFR 1.97(e) and the fee set forth in 37 CFR 1.17(p).

37 CFR §1.97(e)

- o Statement under 37 CFR 1.97(e)(1) – Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.
- o Statement under 37 CFR 1.97(e)(2) – No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersign person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Please charge any additional fees required or credit any overpayments to Deposit Account No. 50-3172.

Respectfully submitted,

J. BENNETT MULLINAX, LLC



J. Bennett Mullinax
Reg. No. 36,221

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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| Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | Complete if Known | | | |
| | | Application Number | 10/718,906 | | |
| | | Filing Date | 11/21/2003 | | |
| | | First Named Inventor | Kevin Cable | | |
| | | Art Unit | 1773 | | |
| | | Examiner Name | Tarzano, Donald Lawrence | | |
| Sheet | 2 | of | 2 | Attorney Docket Number | BRP-56 |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | | XP-002426970, DATABASE WPI WEEK 200324, Derwent Publications, Ltd., London, GB: AN 2003-242789 JP 2002 308347 A *abstract* | |
| | | EUROPEAN PATENT OFFICE, Supplementary Partial European Search Report, 3 pages, 29 March 2007, Munich, DE | |
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| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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